

Notice of Allowability

Application No.

10/050,308

Examiner

Perez M. Angelica

Applicant(s)

FLETCHER ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on 07/19/2005.
2. ☒ The allowed claim(s) is/are 1-9, 11 and 12.
3. ☒ The drawings filed on 15 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 7/13/05, 8/15/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 7/19/2005 has been entered.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on 8/15/2005 and 7/13/2005 were filed after the mailing date of the Notice of Allowance on 6/9/2005. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the previous art of record teaches of a wireless intercom system comprising: a wireless intercom unit comprising: (a) an electronics housing including a first side, where the first side is configured to interface with a planar surface; (b) a microphone configured to receive an audio signal input, the microphone located on a portion of the housing other than the first side; (c) a speaker configured to broadcast an audio signal output, the speaker located on a portion of the housing other than the

first side; (d) a first intercom transceiver for a first radio frequency range operably connected to the microphone and the speaker; and (e) an input device located on a portion of the housing other than the first side; (f) a second intercom transceiver for a second radio frequency range (g) and a speaker post that communicates with the base station via radio waves; an earpiece configured to be worn on a ear of a users the earpiece comprising an earpiece speaker, an earpiece microphone and an earpiece transceiver for transmitting and receiving radio waves in a second radio frequency range.

The previous art of record fails to teach of a **third intercom transceiver for an additional radio frequency range** and where the **input device is a channel control input device configured to select the first or third intercom transceivers and a base station that communicates with the wireless intercom unit** via radio waves.

Regarding claim 12, the previous art of record teaches of a wireless intercom system comprising: a wireless intercom unit comprising: (a) an electronics housing including a first sides where the first side is configured to interface with a planar surfaces (b) a microphone configured to receive an audio signal input, the microphone located on a portion of the housing other than the first side, (c) a speaker configured to broadcast an audio signal output, the speaker located on a portion of the housing other than the first side, (d) a first intercom transceiver for a first radio frequency range operably connected to the microphone and the speaker; and (e) an input device located on a portion of the housing other than the first side: (f) a second intercom transceiver for a second radio frequency range; a speaker post that communicates with the base

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station via radio waves: an earpiece configured to be worn on an ear of a user, the earpiece comprising an earpiece speaker; an earpiece microphone, and an earpiece transceiver for transmitting and receiving radio waves in the second radio frequency range, and a switch comprising: (a) a switch housing; (b) at least one pressure sensor located inside or on the surface of the switch housing.

The previous art of record fails to teach where the a radio frequency transmitter for **transmitting radio waves in a third radio frequency range** and an auxiliary **receiver for receiving radio waves in the third radio frequency range** a base station that communicates with the wireless intercom unit via radio waves.

4. Claims 2-9 and 11 depend on claim 1; therefore, the examiner gives the same reasons for allowance as set forth above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Angelica Perez whose telephone number is 571-272-7885. The examiner can normally be reached on 7:00 a.m. - 3:30 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571)272-7882. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either the PAIR or Public PAIR. Status information for unpublished applications is available through the Private PAIR only. For more information about the pair system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.


Angelica Perez
(Examiner)


NAY MAUNG
SUPERVISORY PATENT EXAMINER

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April 5, 2006